

Page 1

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEW MEXICO

CIVIL ACTION NO. 1:20-CV-00706 JAP/JHR

DIEGO TIJERINA,

Plaintiff.

v.

CIVIL ACTION NO. 1:20-CV-00706 JAP/JHR

STATE OF NEW MEXICO CORRECTIONS
DEPARTMENT, CHRIS MARQUEZ and JOSE
CORDERO,

Defendants.

DEPOSITION OF JOSE CORDERO
FRIDAY, JANUARY 8, 2021
9:00 A.M.
VIA ZOOM VIDEOCONFERENCE PLATFORM

PURSUANT TO THE NEW MEXICO RULES OF CIVIL
PROCEDURE, THIS DEPOSITION was taken by:

ALYSSA D. QUIJANO, ESQ.
Attorney for Plaintiff

REPORTED BY: Mary Therese Macfarlane, CCR
PAUL BACA PROFESSIONAL COURT REPORTERS
500 4th Street, Suite 105
Albuquerque, NM 87102
(505)843-9241



PAUL BACA PROFESSIONAL COURT REPORTERS
500 FOURTH STREET NW - SUITE 105, ALBUQUERQUE, NM 87102

<p style="text-align: center;">Page 50</p> <p>1 you said looks like a bus, right?</p> <p>2 A. Yes.</p> <p>3 Q. And so the inmates are all facing forward in</p> <p>4 seats.</p> <p>5 A. Yes.</p> <p>6 Q. And, again, these don't have seat belts, right?</p> <p>7 A. No.</p> <p>8 Q. Okay. And so this -- this is a diagram again</p> <p>9 that was created in Chris Marquez's deposition. And his</p> <p>10 memory is there were no inmates in this front row. Is</p> <p>11 that your memory, as well?</p> <p>12 A. Hmm. I believe there was -- (Note: Pause.)</p> <p>13 Yeah, there's nobody in the front, that's</p> <p>14 correct.</p> <p>15 Q. Okay. So there were eight inmates. You just</p> <p>16 counted 2, 4, 6, 8. Were there eight inmates in the</p> <p>17 transport?</p> <p>18 A. Yes.</p> <p>19 Q. And do you remember that or do you just remember</p> <p>20 from reading your report this morning?</p> <p>21 A. No, I remember we had eight inmates, because we</p> <p>22 have nobody in the front, unless we have to sit them in</p> <p>23 the front. But we usually don't sit them in the front</p> <p>24 row.</p> <p>25 Q. Okay. Why not?</p>	<p style="text-align: center;">Page 52</p> <p>1 A. No.</p> <p>2 Q. And then there is a cage at the very front here.</p> <p>3 So they could see out the front window, presumably?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. And then where -- okay. Where were you</p> <p>6 going on this transport? What was the route?</p> <p>7 A. Clayton.</p> <p>8 Q. Any stops in between Central and Clayton?</p> <p>9 A. No.</p> <p>10 Q. So one stop Central to Clayton. How long is</p> <p>11 that transport?</p> <p>12 A. I want to say five hours.</p> <p>13 Q. And Clayton, that is Northeastern New Mexico</p> <p>14 Detention Facility?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. So when you did your inspection before</p> <p>17 getting on the van, was everything working?</p> <p>18 A. Yes.</p> <p>19 Q. The cameras were working?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. The cameras worked the entire transport?</p> <p>22 A. No.</p> <p>23 Q. Okay. What happened to the cameras?</p> <p>24 A. It went off, I want to say maybe an hour into</p> <p>25 our transport.</p>
<p style="text-align: center;">Page 51</p> <p>1 A. Just in case, uh, we get, uh, cut off or we have</p> <p>2 to brake suddenly they don't hit the guard rail, the</p> <p>3 little divider.</p> <p>4 Q. Okay. Because again they don't have seat belts</p> <p>5 to hold them onto the seats, right?</p> <p>6 A. Uh-huh.</p> <p>7 Q. And their handcuffs are at their waist, so can</p> <p>8 they brace themselves if there's an accident?</p> <p>9 A. Uh, some do.</p> <p>10 Q. How do they do that? I mean, I guess you can't</p> <p>11 really see, but their hands are like here, right?</p> <p>12 A. Yeah.</p> <p>13 Q. Do they have the ability to like hold onto</p> <p>14 something? Is there something for them to hold onto?</p> <p>15 A. The seat in the front.</p> <p>16 Q. Okay. But that's not as effective as a seat</p> <p>17 belt, though, right?</p> <p>18 A. What's that?</p> <p>19 Q. That's not as effective as a seat belt, though?</p> <p>20 A. No.</p> <p>21 Q. And there are windows on the side at eye level</p> <p>22 when standing, is Chris Marquez's memory. Is that right?</p> <p>23 A. Yes.</p> <p>24 Q. So when the inmates are seated they can't really</p> <p>25 see out the window next to them.</p>	<p style="text-align: center;">Page 53</p> <p>1 Q. Any idea why?</p> <p>2 A. No.</p> <p>3 Q. Was it before or after the blowout that the</p> <p>4 cameras went off?</p> <p>5 A. Before.</p> <p>6 Q. Has that happened to you before?</p> <p>7 A. The cameras going out?</p> <p>8 Q. Yeah.</p> <p>9 A. Yes.</p> <p>10 Q. How often does that happen?</p> <p>11 A. Not that often.</p> <p>12 Q. When is the last time before this incident that</p> <p>13 the cameras just stopped working?</p> <p>14 A. I don't know.</p> <p>15 Q. How many times do you think that's happened to</p> <p>16 you?</p> <p>17 A. I don't know.</p> <p>18 Q. More than five?</p> <p>19 A. I don't know.</p> <p>20 Q. Okay. When the cameras stopped working, what</p> <p>21 did you do?</p> <p>22 A. I was driving. I was the driver, so Marquez was</p> <p>23 the one that was...</p> <p>24 Q. So Chris Marquez was driving, the cameras went</p> <p>25 out. Did he do anything?</p>

<p style="text-align: right;">Page 102</p> <p>1 there?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. So it says: 4750 only for chase per D.W.</p> <p>4 Lytle.</p> <p>5 And D.W. stands for Deputy Warden?</p> <p>6 A. Yes.</p> <p>7 Q. What does "only for chase" mean? Do you know?</p> <p>8 MS. MOULTON: Objection to form.</p> <p>9 A. I don't know.</p> <p>10 Q. Okay. You've never heard that term before?</p> <p>11 A. For chase? I know what a chase is, but I don't</p> <p>12 know why only a chase.</p> <p>13 Q. What is a chase?</p> <p>14 A. It's another vehicle following a transport, a</p> <p>15 high-security transport.</p> <p>16 Q. Like a -- just like a back-up?</p> <p>17 A. Yes. Like, we use chase for Level 4 and up</p> <p>18 inmates.</p> <p>19 Q. And so the vehicles that are used for chase,</p> <p>20 does that vehicle have inmates in it?</p> <p>21 A. No.</p> <p>22 Q. So this vehicle now is only being used to follow</p> <p>23 vans that have inmates. Right?</p> <p>24 A. Correct.</p> <p>25 Q. It doesn't have inmates itself.</p>	<p style="text-align: right;">Page 104</p> <p>1 Q. If they haven't repaired the camera, if they</p> <p>2 haven't done any repairs to Van 5389 since your transport,</p> <p>3 presumably the camera would still be broken, right?</p> <p>4 A. Hmm.</p> <p>5 MS. MOULTON: Objection to form.</p> <p>6 A. I don't know.</p> <p>7 Q. Well, it was broken when it got to the garage,</p> <p>8 right?</p> <p>9 A. Yeah, it wasn't working.</p> <p>10 Q. So the camera footage that's taken, is that</p> <p>11 recorded?</p> <p>12 A. Yes.</p> <p>13 Q. And where is it stored?</p> <p>14 A. In the hard drive.</p> <p>15 Q. What does the hard drive look like?</p> <p>16 A. It's, uh, like a little black box that goes</p> <p>17 into, uh, I want to say maybe the brain of the computer</p> <p>18 area where it goes. And every, uh -- and there's just --</p> <p>19 it just goes in there.</p> <p>20 Q. Okay. And after every transport what do you do</p> <p>21 with the hard drive?</p> <p>22 A. We take it out and we set it on top of the</p> <p>23 supervisor's desk.</p> <p>24 Q. Okay. And what happens to the camera footage</p> <p>25 from Van 5389 on June 21st, 2019?</p>
<p style="text-align: right;">Page 103</p> <p>1 A. No.</p> <p>2 Q. Okay. Do you know if that is because it's not</p> <p>3 fit to transport inmates anymore?</p> <p>4 MS. MOULTON: Objection to form.</p> <p>5 A. I don't know.</p> <p>6 Q. Would that make sense to you why they would</p> <p>7 decide to make that decision?</p> <p>8 A. I don't know.</p> <p>9 Q. Have you ever seen a van only be used to follow</p> <p>10 vans and not transport inmates?</p> <p>11 A. No.</p> <p>12 Q. You indicated that you didn't know if Van 5389</p> <p>13 had been repaired. Right?</p> <p>14 A. Correct.</p> <p>15 Q. All right. So this email again -- I'll scroll</p> <p>16 to the top so you can see -- it was sent on October 11th</p> <p>17 of 2019, and it indicates on Van 5389 the cameras are</p> <p>18 functional.</p> <p>19 Do you see that?</p> <p>20 A. Yes.</p> <p>21 Q. But they weren't functional on the entirety of</p> <p>22 your van ride. Right?</p> <p>23 A. Correct.</p> <p>24 Q. Did they fix the camera?</p> <p>25 A. I don't know.</p>	<p style="text-align: right;">Page 105</p> <p>1 MS. MOULTON: Objection: foundation.</p> <p>2 A. I don't know.</p> <p>3 Q. Why don't you know?</p> <p>4 A. I don't know because I didn't drive the van</p> <p>5 back.</p> <p>6 Q. So when you got back to Central was Van 5389</p> <p>7 also at Central?</p> <p>8 A. Yes.</p> <p>9 Q. And did you go into the van and take the hard</p> <p>10 drive out?</p> <p>11 A. No.</p> <p>12 Q. Did anyone else?</p> <p>13 A. I don't know.</p> <p>14 Q. Should someone have taken the hard drive out?</p> <p>15 A. I don't know.</p> <p>16 Q. Did your supervisor ask for the hard drive?</p> <p>17 A. No.</p> <p>18 Q. Why didn't you go get the hard drive from the</p> <p>19 van?</p> <p>20 A. I don't know.</p> <p>21 Q. Whose responsibility was it to get the hard</p> <p>22 drive from the van?</p> <p>23 A. If we would have driven the van back, it's ours.</p> <p>24 However, we didn't drive the van back. I don't know whose</p> <p>25 responsibility it is.</p>